

REMARKS

The Examiner is thanked for his very thorough and careful examination. Pursuant to the Office Action, the Abstract has been amended so as to comply with MPEP § 608.01(b), and the Specification has been amended to obviate typographical and/or spelling errors. In addition, Claim 1 has been canceled and Claims 2 and 3 rewritten to more definitely set forth the invention and obviate the rejection. Further, new Claims 4, 5 and 6 are presented. Support for new Claims 4 and 5 can be found in the Specification on page 3, third paragraph. The present amendment is deemed not to introduce new matter. Claims 2-5 are in the application.

Reconsideration is respectfully requested of the rejection of Claims 1 and 2 under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 1 has been canceled and Claim 2 rewritten to define the stent in terms of the process of manufacture. It is believed that the amendment of Claim 2 obviates the rejection which is now believed to be moot. Withdrawal of the rejection is accordingly respectfully requested.

With respect to Claim 3, it has been rewritten and it is believed that there is antecedent basis for all of the terms in

Claim 3. The amendments to Claim 3 are believed to obviate the rejection. Withdrawal of the rejection is accordingly respectfully requested.

Reconsideration is respectfully requested of the rejection of Claim 3 under 35 U.S.C. § 102(a) as being anticipated by Castaneda.

As pointed out above, Claim 3 has been extensively amended to recite that a master is formed in accordance with shape information obtained concerning the inner shape of a tubular living-body tissue of a person to be treated. Thereafter, the outer surface of the master is wrapped with wires having a shape memorization property.

It is respectfully submitted that the Castaneda reference nowhere discloses the steps of obtaining inner shape information regarding a tubular living-body tissue of a patient to be treated using mechanical methods, and then using that information to form a three dimensional master having an inner surface or outer surface substantially similar to the inner shape of the tubular living-body tissue, followed by the step of wrapping the outer surface of the master with wire having shape memorization property. On the contrary, that teaching or suggestion comes only from the present application, and constitutes an important element or aspect of the present invention.

In view of the foregoing, it is respectfully submitted that failing a disclosure of the product and method now called for in the claims herein, the Castaneda reference in no way anticipates or renders unpatentably obvious the subject matter called for herein. Consequently, the Examiner would be justified in no longer maintaining the rejection. Withdrawal of the rejection is accordingly respectfully requested.

In view of the foregoing, it is respectfully submitted that the application is now in condition for allowance, and early action and allowance thereof is accordingly respectfully requested. In the event there is any reason why the application cannot be allowed at the present time, it is respectfully requested that the Examiner contact the undersigned at the number listed below to resolve any problems.

Respectfully submitted

TOWNSEND & BANTA



Donald E. Townsend  
Reg. No. 22,069

TOWNSEND & BANTA  
601 Pennsylvania Ave., N.W.  
Suite 900, South Building  
Washington, D. C. 20004  
(202) 220-3124

Date: August 7, 2003